

**MINUTES OF THE DAVIS CITY COUNCIL  
AND REDEVELOPMENT AGENCY MEETING OF MARCH 21, 2006**

The City Council of the City of Davis met in regular and closed session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. All meetings were called to order by Mayor Asmundson.

Roll Call: Councilmembers Present: Sue Greenwald, Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson

Councilmembers Absent: None

Other Officers Present: Interim City Manager Bill Emlen, City Attorney Harriet Steiner, City Clerk Margaret Roberts

Approval of Agenda T. Puntillo moved, seconded by S. Souza, approval of the City Council agenda as submitted. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Closed Sessions Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of §54956.9: 2 cases

Conference with Legal Counsel - Existing Litigation pursuant to subdivision (a) of §54956.9: Dean Robert Johansson v. City of Davis Police Department, CVO5-512

The Council went into Closed Session on the above mentioned items and returned with the following action:

H. Steiner reported the following action taken in closed session:

Regarding the existing litigation Johansson versus the City of Davis; he sued the city for violations of his civil rights related to a traffic stop. The city investigated and believes that the traffic stop was proper and legal. Our view of the case was confirmed by experts in the private sector and by the California Highway Patrol who determined that it was scientifically impossible for Mr. Johansson's claims to be true.

Science proves that Mr. Johansson was speeding and trying to evade the police officer. In the face of this irrefutable scientific evidence, and faced with several inconsistent statements in which Mr. Johansson made during the litigation and under oath, Mr. Johansson has elected to dismiss his case with no compensation from the city. He dismissed his case in a manner that he is barred from refiling this case or pursuing it in any manner. The Council was informed in closed session that this case has been concluded.

R. Asmundson made the following statement:

We want to reiterate our policy for dealing with issues like those raised by Mr. Johansson. The city of Davis opposes racial discrimination and other forms of bigotry. When allegations of racial discrimination or other inappropriate conduct are leveled against a city employee, the city thoroughly investigates the factual basis for the allegations. In fairness to everyone, the city does not react to mere allegations. It waits for the results of a complete factual investigation before acting. The city does not tolerate discrimination of any sort or other inappropriate conduct by its employees, and will take strong action against its employees who are found to have engaged in such conduct. Likewise, the city of Davis does not tolerate false allegations of discrimination of any sort or other inappropriate conduct against its employees like those made by Mr. Johansson, and it will continue to defend its employees who are falsely

accused of engaging in such conduct. Both types of bigotry are reprehensible.

#### Presentations

- Proclamation Recognizing the American Cancer Society's Relay for Life Event in Davis and Declaring the City of Davis as a Relay for Life Community The proclamation was read by T. Puntillo and presented to Jenny Besse and Susie Shiasaki representing the American Cancer Society.
- Proclamation of Appreciation to Yvonne Hunter for Service to the City of Davis as a Member of the Yolo County Waste Advisory Committee The proclamation was read by S. Greenwald and presented to Yvonne Hunter for her service to the city of Davis as a member of the Yolo County Waste Advisory Committee for 16 years.
- Proclamation Recognizing Cesar Chavez Day and a Community Celebration in the City of Davis The proclamation was read by S. Souza.
- Proclamation Naming April as Voter Education Month in the City of Davis The proclamation was read by D. Saylor.
- Appointment of Ted Puntillo as Mayor for the month of April Motion by S. Greenwald, second by S. Souza to appoint T. Puntillo as Mayor of the city of Davis for the Month of April 2006, motion carried.  
T. Puntillo advised that he is honored to be able to serve as Mayor in April.
- Consent Calendar Resolution 06-43 authorizing the Mayor to execute a Memorandum of Understanding between the city and Sacramento Municipal Utility District (SMUD) relating to the annexation and provision of electric service  
Approved
- Resolution 06-44 to recognize the name of a private street as for addressing and mapping purposes  
Approved
- Resolution 06-45 awarding contract of \$654,641 to Swank Construction, Inc., for Veterans Memorial Center Lobby Accessibility (Rebid), CIP No. 8677; Budget Adjustment #44  
Approved
- Resolution 06-46 designating the agent for reimbursement for State and Federal assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988 and the Natural Disaster Assistance Act

Approved

Ordinance amending Section 22.04.010 of the Municipal Code of the city of Davis relating to the decrease of prima facie speed limit – increase of speed limit to 30 miles per hour on Pole Line Road

Introduced

Proposed removal and temporary storage of “Cadence,” Varsity Theatre art glass door panels created in 1992 by local artist Chris Reding as a site-specific art in public places acquisition

Approved

Specifications and estimate approval for bike path maintenance and rehabilitation – 2006, Program No. 7252

Approved specifications and authorized bid advertisement

Commission Minutes:

Planning Commission joint meeting with City Council of October 19, 2005, and regular meetings of November 30 and December 14, 2005

Informational

Safety Advisory Commission regular meeting of January 5, 2006

Informational

City-UCD Student Liaison Commission joint meeting with City Council of January 11, 2006 and regular meeting of February 8, 2006

Informational

City Council minutes from the regular meetings of December 6, 2005, and March 7 and 14, 2006

Approved

S. Greenwald moved, seconded by T. Puntillo, approval of the consent calendar as listed above. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Public Comment

Mr. Johannson stated that he has been informed that the Yolo District Attorney was asking for a gag order in the Buzayan case and the ACLU is completely against this. He dropped his civil law case was simply for practical purposes as he did not want to waste his or the city’s money. There was no other avenue except to file a law suit. He made no false allegations such as racial profiling or police misconduct. There is a problem in Davis regarding racial profiling.

Per H. Steiner, City Attorney, with respect to the District Attorney and the juvenile matter; it is a juvenile matter before the court and juvenile matters are confidential. That case is fully within the purview of the District Attorney at this point. The District Attorney is an independently elected official by the citizens in Yolo County. He and his office will take whatever action they believe is appropriate in that matter. He does that without consulting on the civil portion of the city’s bureaucracy or attorneys. She could not say what the District Attorney intends to do and believes that it will be within the juvenile court system and is a confidential matter.

With respect to Mr. Johannson, he has dismissed his case in a manner that precludes him from refiling. As the Council is aware, there are many avenues which exist within the city for people who wish to take issue with how they were treated by the police

department. There are citizen complaints, which are investigated. Council has been through several hearings on this matter and has made a decision with respect to how it wishes to go forward to provide for appropriate review and access to the police department. Unless Council wants to revisit that matter, we will go forward and it is appropriate to allow those processes to go forward. Mr. Johannson has dropped his case and done so voluntarily in a manner that he cannot re-file. He may believe he has one reason and we believe he has others. The bottom line is that the case is over and at the end of the day Mr. Johannson was not successful in going forward against the city or the police department.

T. Puntillo stated that the Council is the ultimate citizen review board and this case was looked at and the council feels that it was handled appropriately.

Report on New Universal Waste Rules Classifying Certain Household Products as Hazardous Waste

This item was pulled from the Consent Calendar.

Mike Levy, Vice Chair of the Natural Resources Commission provided the Council with a list of items that are now considered hazardous waste. He read the Commission's recommendation and asked for the Council's support.

S. Souza moved, seconded by T. Puntillo to direct staff to bring forward a resolution to have recycling bins at City Hall, motion carried.

S. Greenwald asked that this information be added to the City's website.

Confirmation of Number of Live-Work Units at Parque Santiago – 303 Ensenada Drive, a 25 Unit Project Approved by Council on December 13, 2005

This item was pulled from the Consent Calendar.

R. Rowland provided background on the item that came before the Council in December 2005 as the applicant has requested Council clarify their action from that meeting. The initial recommendation was for at least eleven live-work units.

D. Saylor moved, seconded by S. Souza to confirm requiring 13 live-work units.

Applicant David Taormino stated that this issue was not discovered until his attorney began to perform work on the CC&Rs. He requested Council to make it 11 live-work units, not 13.

Substitute Motion by T. Puntillo, seconded by S. Greenwald to change the number of live-work units to 11 and to move the path from the north to the south, motion carried unanimously.

Presentation on Sacramento Metro Chamber of Commerce's Study Mission to Indianapolis

Senior Vice President, Public Policy and Advocacy Dave Butler gave a PowerPoint presentation on the Sacramento Metro Chamber of Commerce's 7<sup>th</sup> Annual Study Mission to Indianapolis. He gave background information on the Sac-Metro Chamber of Commerce, which is the oldest in California.

Consideration of Ordinance Extending Urgency Interim Zoning (Ordinances No. 2200 and 2204) Establishing a Moratorium and Addressing High Bedroom Count Additions and/or Modifications to Single and Two

The public hearing was opened, and with no comment, was closed.

T. Puntillo moved, seconded by D. Saylor, approval of ordinance authorizing an extension of urgency interim zoning ordinances establishing a moratorium on any and all new building permits for certain types of interior modifications and building additions proposed to existing single or two family dwellings that result in additional bedrooms in the R-1, R-2, R-R and similarly zoned Planned Developments from April 4, 2006 through and including April 4, 2007 unless extended by further action of the City Council to take effect immediately. The motion passed by the following vote:

AYES: Greenwald, Puntillo, Saylor, Souza, Asmundson

Family Dwellings  
From April 4, 2006  
Through and Including  
April 4, 2007

NOES: None

Proposed Davis  
Manor Revitalization  
Strategy and East  
Eighth Street Corridor  
Improvements  
Action Plan

K. Hess gave some history and background on the item. This is the two stage approach for public improvements. K. Hiatt advised that working through the Manor Revitalization Strategy and getting the Dollar Tree up and running. SACOG awarded the city \$650,000 for the corridor improvements. Dollar Tree has turned in building plans and within the next four weeks there should be a flood of activity with a possibility of being open in two months. Staff will be working with the neighborhoods in the process with meetings beginning sometime this spring.

J. Lott, on behalf of Davis Manor Property Association, expressed their appreciation for this project and what a joy it has been to work with city staff and elected officials to make something wonderful happen.

The entire Council thanked the city staff for their hard work and diligence on this project.

T. Puntillo moved, seconded by S. Souza to adopt the Davis Manor Center Revitalization strategy and East Eighth Street corridor improvements, motion carried.

The Council took a short break.

Report on Staff Response to Proposed  
Dixon Downs Initial  
Study and Draft Environmental  
Impact Report

Interim Community Development Director Katherine Hess explained what the Dixon Downs project is and where in the process the project is. It is a 260 acre site within the Dixon City Limits and is a two-phase project with a race track being the first phase and a shopping center as the second phase. No public hearings have been scheduled on this project because Dixon is still reviewing comments received during the EIR process. The Davis City Council will have several options when Dixon makes their decision including filing a lawsuit.

B. Emlen advised that the cities of Dixon and Davis are working on many items together. This project will have regional effects and the Council will need to look at how it will impact Davis residents.

H. Steiner advised that the city of Davis has not sued any other city in recent years, but has sued other jurisdictions in the past.

K. Hess advised that the EIR does address the entire project in terms of the impacts but not on build-out of the region. The purpose of a draft EIR is to gather information and it is too early that the final analysis will not address these issues. CEQA says that you have to mitigate the impacts, which could mean that they have to provide their share of the mitigation. This item is not scheduled to go before the Dixon City Council at this time.

There were many concerns and questions raised by the Council.

There were seven citizens that spoke against the project and discussed their concerns with included traffic congestion, air quality and environmental issues.

C. Livingston with Magna gave a short presentation and answered questions from the Council and also addressed some of the concerns mentioned by the public.

When the response is received from Dixon regarding comments that were made on the EIR, staff needs to make sure that it gets agendized in a timely fashion. It was

suggested that another 2X2 meeting between Dixon and Davis take place.

The decision is ultimately the Dixon City Council's and there is hope that the two Councils will work together to address regional impacts.

The Council took a short break.

Update on School District Action Related to the Grande Property and Fairfield School

Interim City Manager Bill Emlen gave an update of the action taken by the School District Board at their meeting last Thursday. The Board exercised a clause in their contract to terminate and proceed in another direction.

This could be an item for the upcoming joint meeting with the School District Board.

City Council and Redevelopment Agency Consideration of Cesar Chavez Plaza Affordable Housing Project - Analysis of Affordability, Sustainability, Ownership, Management and Conditions

Jerilyn Cochran highlighted important information that was included in the staff report. Conditions 1, 2 and 4 have been met. Danielle Foster discussed the following additional requirements:

- a. Enter into Purchase Option Agreement, as agreed to in the March 10, 2006 letter attached, with the National Equity Fund (tax credit investors) prior to issuance of certificate of occupancy for the project.
- b. Meet all existing planning conditions on the project including those regarding construction planning and management, creation of a Car Management Strategy for the project, formation of a Good Neighbor Agreement with the Lexington Apartments, etc.
- c. As part of the construction management plan for the project, require the owners of the Cesar Chavez Project to coordinate and plan with the owners of the Lexington Apartments the construction staging, timing of deliveries, hours of construction, use of the common drive and neighboring parking lot, and other aspects of construction that will directly affect the Lexington property and tenants.
- d. Provide construction contact information to the Lexington Apartments and communicate with them regularly during construction of the Cesar Chavez Project.
- e. Invite City Staff to all meetings of the General Partners, in order to provide the City the management company's project update and in an effort to maintain regular communications regarding the project.
- f. Meet with the property manager from Lexington Apartments on a regular basis to discuss issues related to the shared driveway, parking spaces, trash collections for the project, and integration of each project's residents.
- g. As part of the annual monitoring report, provide documentation that households who are leased project-designated special needs units meet all criteria for these units, as set forth by state funding agencies.
- h. By June 1, 2006 work with staff to develop a tenant selection plan which determines any lottery preferences, any additional marketing needed to focus on the internal housing needs of the city, and an analysis of the use of Section 8 project-based vouchers in the project.
- i. To ensure that the city's interests are adequately protected, the project partners need to agree to new conditions and requests for additional information, as warranted.

Currently there is no funding to commit to this until January of 2008 from redevelopment. There were questions raised during this process as to when a Conditional Use Permit would need to be obtained for projects.

H. Steiner advised that T. Puntillo works for Veterans Affairs, which is a county agency. As part of his official duties, he signs letters regarding eligibility of funding to individuals who meet the criteria. There is no conflict, pertaining to this item, for him.

The partnership agreement has been executed. Before the Council spring break, staff would bring the Section 8 element of this project to Council.

Council voiced concerns and asked questions regarding the project. Some of the concerns were regarding the number of homeless drug addicted persons living in the units, the bridge-gap loan for the project, and the consequences of the city not providing the \$275,000.

The applicant has taken as many of the amenities out that they are capable of at this point.

The city has been a part of the delay in the project, but there are many other factors that have caused delays. To loan the \$275,000 out of the General Fund would have to be expended from the reserves.

The applicant advised that the money could come from city fees and they are asking to pay \$275,000 less that is currently being asked of them. H. Steiner advised that if the project goes forward the project will pay impact fees. If the project does not go forward, the impact fees will not be paid until a project comes forward. She explained how this process would work including a loan between the Council and the Redevelopment Agency.

There were nine citizens who spoke in favor of the project, including employees from the Yolo County Housing Authority and Supervisor Yamada.

H. Steiner advised that if the Agency wants to fund the \$275,000 they could do so and then work with the City on when and how that would be repaid. There will need to be a covenant on the property if this is done. There would need to be a loan agreement between the City and the Agency.

D. Saylor moved, seconded by T. Puntillo to approve staff recommendations as follows:

(1) Accept verification of compliance with the Affordable Housing Covenant conditions; (2) Adopt project requirements to maintain affordability, enhance sustainability, and effectively own and manage the project; (3) Uphold staff recommendation to not provide a funding commitment in the amount of \$275,000 at this time; and (4) Direct staff to consider a standard requirement to apply for a Conditional Use Permit for all future housing projects that include staff, beyond the requirement property manager and maintenance individual, to provide supportive services to residents beyond basic housing and education. The motion carried by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson  
NOES: None  
ABSTAIN: Greenwald

D. Saylor moved, seconded by T. Puntillo to direct staff to develop a Redevelopment Agency loan of \$275,000 and to work out the most cost effective method of repayment. The motion carried by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson  
NOES: None  
ABSTAIN: Greenwald

D. Saylor moved, seconded by T. Puntillo that the Redevelopment Agency enter into a 57 year loan with three percent simple interest with no interest during construction for the \$275,000. The motion carried by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson  
NOES: None  
ABSTAIN: Greenwald

Announcements,  
questions referred to  
staff and reports on  
various 2X2 meet-  
ings

R. Asmundson urged the Council to attend the upcoming LAFCO meeting.

S. Souza requested that the Council direct staff to have the UCD Student Commission subcommittee to have discussion on items brought forward. The liaisons to the commission will take the item to the commission.

S. Greenwald advised that the Recreation & Park Commission has recommended that a permit for fire pits. H. Steiner advised that this will be coming to the Council in the form of an ordinance.

T. Puntillo announced that there is a joint meeting tomorrow of the Bicycle and Safety Commissions regarding the 5<sup>th</sup> Street bike paths.

The Council Retreat has been rescheduled for June 17, 2006.

Adjournment

The meeting adjourned at 11:44 p.m.

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Margaret Roberts, CMC  
City Clerk



MINUTES OF THE DAVIS REDEVELOPMENT AGENCY  
MEETING OF MARCH 21, 2006

The Redevelopment Agency of the City of Davis met in regular session beginning at 5:30 p.m. in the Community Chambers, 23 Russell Blvd., Davis, California. All meetings were called to order by Mayor Asmundson.

Roll Call: Board members Present: Sue Greenwald, Ted Puntillo, Don Saylor, Stephen Souza, Ruth Asmundson

Board members Absent: None

Other Officers Present: Interim City Manager Bill Emlen, RDA Counsel Harriet Steiner, City Clerk Margaret Roberts

Approval of Agenda T. Puntillo moved, seconded by S. Souza, approval of the Redevelopment Agency agenda as submitted. The motion passed by the following vote:

YES: Greenwald, Puntillo, Saylor, Souza, Asmundson

NOES: None

Redevelopment Agency  
Consideration of Cesar Chavez Plaza Affordable Housing Project - Analysis of Affordability, Sustainability, Ownership, Management and Conditions

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- e. Invite City Staff to all meetings of the General Partners, in order to provide the City the management company's project update and in an effort to maintain regular communications regarding the project.
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- g. As part of the annual monitoring report, provide documentation that households who are leased project-designated special needs units meet all criteria for these units, as set forth by state funding agencies.
- h. By June 1, 2006 work with staff to develop a tenant selection plan which

determines any lottery preferences, any additional marketing needed to focus on the internal housing needs of the city, and an analysis of the use of Section 8 project-based vouchers in the project.

- i. To ensure that the city's interests are adequately protected, the project partners need to agree to new conditions and requests for additional information, as warranted.

Currently there is no funding to commit to this until January of 2008 from redevelopment. There were questions raised during this process as to when a Conditional Use Permit would need to be obtained for projects.

H. Steiner advised that T. Puntillo works for Veterans Affairs, which is a county agency. As part of his official duties, he signs letters regarding eligibility of funding to individuals who meet the criteria. There is no conflict, pertaining to this item, for him.

The partnership agreement has been executed. Before the Council spring break, staff would bring the Section 8 element of this project to Council.

Council voiced concerns and asked questions regarding the project. Some of the concerns were regarding the number of homeless drug addicted persons living in the units, the bridge-gap loan for the project, and the consequences of the city not providing the \$275,000.

The applicant has taken as many of the amenities out that they are capable of at this point.

The city has been a part of the delay in the project, but there are many other factors that have caused delays. To loan the \$275,000 out of the General Fund would have to be expended from the reserves.

The applicant advised that the money could come from city fees and they are asking to pay \$275,000 less that is currently being asked of them. H. Steiner advised that if the project goes forward the project will pay impact fees. If the project does not go forward, the impact fees will not be paid until a project comes forward. She explained how this process would work including a loan between the Council and the Redevelopment Agency.

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D. Saylor moved, seconded by T. Puntillo to approve staff recommendations as follows:

- (1) Accept verification of compliance with the Affordable Housing Covenant conditions;
- (2) Adopt project requirements to maintain affordability, enhance sustainability, and effectively own and manage the project;
- (3) Uphold staff recommendation to not provide a funding commitment in the amount of \$275,000 at this time; and
- (4) Direct staff to consider a standard requirement to apply for a Conditional Use Permit for all future housing projects that include staff, beyond the requirement property manager and maintenance individual, to provide supportive services to residents beyond basic housing and education. The motion carried by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson  
NOES: None  
ABSTAIN: Greenwald

D. Saylor moved, seconded by T. Puntillo to direct staff to develop a Redevelopment Agency loan of \$275,000 and to work out the most cost effective method of repayment. The motion carried by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson  
NOES: None  
ABSTAIN: Greenwald

D. Saylor moved, seconded by T. Puntillo that the Redevelopment Agency enter into a 57 year loan with three percent simple interest with no interest during construction for the \$275,000. The motion carried by the following vote:

AYES: Puntillo, Saylor, Souza, Asmundson  
NOES: None  
ABSTAIN: Greenwald

Adjournment The meeting was adjourned at 11:44 p.m.

Margaret Roberts, CMC  
Clerk of the Board